

# Guidance for District Staff on WisDOT Participation in Local Comprehensive Planning

Many questions have been asked about WisDOT's involvement in local planning efforts. A number of questions relate to how we should interact with local governments and what type of "authority" we have to do so.

The plans that local governments will be preparing under the comprehensive planning laws will directly guide where development will occur. No longer are plans advisory or can sit on a shelf; they will have legal standing by 2010. What local governments include in their plans will directly impact our work and our agency's efforts. Our work in access management, programming and planning will become extraordinarily complicated if local plans (which hold legal standing) are contrary to state and regional needs and we have not worked with local governments to address these issues. Coordination and cooperation is the best way for WisDOT to address the needs of the state, as well as work with local governments to help them achieve their goals.

Under the comprehensive planning grant provisions and contract language with Wisconsin Department of Administration, grant recipients are required to coordinate with WisDOT and MPOs (where located) in the development of their comprehensive plans. Unfortunately, this is not always occurring.

For various reasons, some communities will not ask us directly for assistance. Staff will need to reach out to these communities to help facilitate this coordination. The level of coordination for each grant recipient will depend on each district and district issues, however, special attention should be given to those communities that now impact or may in the future have an impact on state transportation facilities. The benefits of fostering proactive coordination far outweigh dealing with a reactionary situation in meeting long term transportation goals. These issues are continuing to evolve and additional guidance is anticipated.

This handout is designed to assist primarily WisDOT's district staff in these areas.

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## **Local Requirements of the Comprehensive Planning Laws Under s. 66.1001, Wis. Stats.**

Towns, villages, cities, counties, and regional planning commissions are all governed by these comprehensive planning laws. Listed below are the general statutory requirements.

*Note: See s. 66.1001, Wis. Stats. for the complete statutory requirements.*

### **For all Wisconsin Towns, Villages, Cities and Counties, each must:**

1. Prepare and adopt a public participation plan.
2. Prepare a plan with the 9 required elements (includes a transportation element).
3. Adopt the draft and final plans according to statutory requirements (must include a public comment period, acceptance of written comments.)
4. Send both draft and final plans and all future plan amendments to:
  - a. "Governmental bodies located in whole or part within boundaries of the community" According to DOA, governmental bodies means local authorities such as school districts, sanitary districts, storm water districts, etc. however, does not include state agencies.
  - b. Adjacent communities
  - c. Local library
  - d. Wisconsin Land Council (then DOA after the Council sunsets in 2003)
  - e. Regional planning commission where located.
5. By year 2010, a community must base all its land use decisions (zoning changes, subdivisions plat approvals, etc...) on its adopted comprehensive plan.

Certainly, these local units of government can work jointly to prepare a single plan that covers more than one jurisdiction. For example, many county plans will include town areas in varying detail. A town may decide to work cooperatively with the county to prepare this plan to the level of detail needed in a town plan. The town then may decide to adopt the county plan as its own town plan.

### **For communities that have been awarded a state planning grant, a community must:**

1. Follow all statutory requirements of s. 66.1001, Stats. as briefly outlined above.
2. Follow all grant requirements and administrative rules ADM 48 for the grant program including:
  - a. Coordinate efforts with MPOs where applicable. MPO must review element for consistency with MPO plan since these are federal transportation funds.
  - b. Coordinate efforts with other pertinent state agencies (WisDOT, DNR, DATCP, etc.)
  - c. Meet specific timeline requirements for completion.
  - d. Draft and Final Plans are reviewed by DOA for consistency with statutory and grant requirements. Final payments are withheld until such requirements are met.

*Note: See s. 16.965, 16.9651, Wis. Stats. and ADM 48 for more grant information.*

### **Other Grant notes:**

- ❖ All grant recipients receive grant funds from federal transportation planning funds.
- ❖ The majority of local plans that are underway in the state have been awarded grant funds.
- ❖ To score well, the grant proposal must identify a well-coordinated effort between neighboring communities, counties, RPCs and agencies including WisDOT.

## **What We (WisDOT) Want to Communicate to Local Governments...**

### **Why We Care, Our Motivation**

Our main motivation is that we want to be a partner in comprehensive planning efforts to help communities achieve their planning goals while balancing the needs of the state transportation system. A proactive, coordinated and cooperative planning approach is best for reaching both local goals and state transportation goals. The Comprehensive Planning Grant program requires grant recipients to coordinate with their MPO and state agencies such as WisDOT.

Our involvement in local comprehensive planning is also a useful tool for WisDOT which we can and should utilize within our long term planning efforts and daily decision-making efforts such as project planning and development, access management, systems planning, corridor planning.

### **Our Involvement in Local Comprehensive Planning Efforts**

- ❖ To create these partnerships, districts should request that communities and RPCs, at a minimum, keep WisDOT districts informed of their participation in comprehensive planning efforts and their progress.
  - ❑ Request that WisDOT is informed of local meetings, open houses, and committee meetings related to a community's comprehensive plan efforts. If there is an email and/or mailing list for "interested parties", ask to be included.
  - ❑ Coordination doesn't necessarily mean WisDOT needs to be officially part of a local committee and attend all meetings. There will be a range of effort and different levels of coordination depending on various district priorities and local circumstances.
- ❖ We want to communicate that WisDOT welcomes the opportunity to review and comment on draft local plans to:
  - ❑ Provide various transportation-related data for which we are custodians, such as traffic counts, pavement condition information and functional classification of highways.
  - ❑ Provide comments regarding the transportation aspects of the plan.
  - ❑ Coordinate with anticipated or future state transportation activities.
  - ❑ Provide key information on state transportation plans and upcoming projects.
- ❖ In some instances, WisDOT may need to ask "priority" communities to consider inviting WisDOT staff to participate on committee work especially relating to the transportation portions of the plan such as a technical advisory committee.
- ❖ Certain communities may ask our involvement without WisDOT prompting. If WisDOT is asked to participate on a technical committee, consider staff resources, and planning impacts that will guide our level of commitment. Our involvement on committees will help to:
  - ❑ Coordinate upcoming state facility improvements with local goals.
  - ❑ Discuss the transportation needs of developing areas including airport needs, bike, pedestrian, rail, park and ride lots, transit, and other multi-modal systems needs.
  - ❑ Provide expertise on highway access and transportation planning issues.

## What "Involvement" Means for WisDOT Staff...

Cooperation is at the center of working with local governments in their planning efforts. We do not control of how local governments develop, plan or zone properties, however, our policies, projects and activities can certainly have an impact on communities. We want to work to coordinate and find consensus on tough issues relating transportation.

- ❖ As a staff person of WisDOT, we should act as profession experts in state transportation issues working to inform and educate local governments.
- ❖ Advocating a position on local comprehensive planning and land use is not what we need to do, but advocating for good transportation planning and informed decision-making is key.
  - ❑ We cannot force any issue, however, we can provide data and expertise that local governments can benefit from.
  - ❑ By discussing the land use and transportation connections, we will educate local governments regarding the impacts to the transportation system with various local choices and vice versa. Coordination will be improved tremendously.
- ❖ It is important for us to reach out to communities in the early stages of their planning process.
  - ❑ Communities are often waiting for WisDOT to take the first step.
  - ❑ Communication and outreach activities range from a letter of interest, phone calls to local governments, phone calls to RPCs, etc.
    - ✓ A letter alone may not be successful, but a phone call to follow-up the letter may help make progress.
    - ✓ If your district feels that a priority community is not responding, the district may want to keep up with a plan's progress. State law requires a public comment period on the draft plan, which is an opportunity for WisDOT.
- ❖ Local governments are preparing plans mostly with outside, contracted assistance.
  - ❑ Countywide plans range from internal preparation to consultant and RPC contracts.
  - ❑ Local plans are rarely being developed fully in house. The public involvement process is often being contracted out through a private consultant.
  - ❑ Many communities are contracting to prepare plans with RPCs and consultants. The RPCs work with WisDOT districts on a wide range of activities and, especially within communities in MPO areas, provide us a key opportunity for multi-jurisdictional cooperation.
  - ❑ When WisDOT staff contacts a community regarding its plan efforts, the message may not be passed along to the consultant/RPC who is actually preparing and managing the effort. Therefore, it may be necessary to contact both the local community and consultant or RPC.

## Suggestions for Setting Priorities

Prioritizing the various communities is critical. WisDOT will not be highly active in all local planning processes. We obviously don't have time or resources to accomplish this. A good rule of thumb to remember when prioritizing communities is that the level of "priority" a community has for WisDOT, it will increase staff level of involvement. Priority communities should be balanced with district time and budget constraints and other factors specific to each district.

- ❖ Districts should compare and prioritize each community plan effort primarily for the potential impact on state transportation issues such as access management, planning, program development, six-year program, etc.
- ❖ Providing one-size fits all approach isn't realistic, however the issues are generally similar across districts. There will be some regional distinctions.
- ❖ Suggestions for Priorities (not listed in any order of importance):
  - ❑ Grant recipients are one of the WisDOT's significant priorities since we provide grant funds annually to the program.
  - ❑ Multi-jurisdictional plans, such as countywide efforts, are generally going to be priorities. This is a very efficient way for us to reach multiple areas in one process.
  - ❑ Areas considered urban (within MPO areas) and urbanizing areas (those on fringes of MPO areas).
  - ❑ Areas of population growth and/or emerging development and development pressures.
  - ❑ Areas where WisDOT has upcoming projects.
  - ❑ Areas in which corridor plans and access management plans (s. 84.25) are currently being developed or have been previously developed.

## Analyzing Your District's Level of Coordination

District level of coordination will range from being informed of local governments' plan efforts, to reviewing draft plans, up to participating in committee work, etc. depending on your priorities. Be realistic about the resources you have available, understanding the trade-offs that you are choosing between these levels of participation.

Here's a suggested way to analyze a district's level of coordination:

- ❖ High Level= Staff participates on committees, attends meetings, reviews and provides comments on drafts, provides information and data. Obtains a copy of adopted plan.
- ❖ Medium to High Level= Attends some meetings either committee meetings or meetings separately with local representatives, reviews and provides comments on drafts, provide information and data. Obtains a copy of adopted plan.
- ❖ Low to Medium Level= Informed of meetings, review and provides comments on drafts, provide information and data. Obtains a copy of adopted plan.
- ❖ Low Level to No formal participation= Knowledge of plan efforts. Reviews plans only where state facilities are impacted. Obtains a copy of adopted plan.

## What to Look For in Reviewing a Comprehensive Plan...

If you are working closely with a local government throughout their planning process, minimal concerns should be discovered in the draft plan. However, you may also review plans in which you have not had much direct involvement with in the plan. Reviewing and providing comments to communities on their draft plans is important. As you review draft plans, keep in mind these overall issues and priorities:

- ❖ Local road network proposed in the plan supports future development and land uses that local governments anticipate and desire.
- ❖ The transportation element considers various modes of transportation.
- ❖ The plan contains thoughtful consideration of the long-term coordination of access along STHs, including existing access control and corridor plans.
- ❖ The plan “incorporate” state and regional transportation plans.
- ❖ Where there are differences noted or the plan includes contrary proposals, the plan should note the steps anticipated addressing those differences with WisDOT in the future.
- ❖ Land use choices directly impact transportation and future transportation decisions.
  - ❑ Most of the plans will not be written in a way that clearly shows this comparison in the transportation element. Reviewing the land use, housing and economic development elements, and future land use map in context with the transportation element is important.

## What If You Find Inconsistencies in a Draft Plan...

If you are reviewing a draft plan, especially when you have had limited participation in the planning process, you might discover certain concerns and issues with their plan especially as it pertains to state transportation issues. Some of these issues you may find:

- The transportation element does not meet the statutory requirements
- The transportation element does not address multi-modal issues.
- The transportation element does not meet the needs based upon growth projections or land use expectations.
- The transportation element (or the plan) did not address or work together with neighboring and overlapping communities, MPO, RPC issues. They are planning in a “bubble.”

What approach should you take to address these issues? Every community will react differently to each kind of approach. You may or may not have an adequate working relationship with the community. In each case you will need to assess the appropriate response from WisDOT. In any case, your professionalism and preparedness, and your willingness to listen and work through the issues are keys to a successful outcome. Some approaches to consider include:

- ❖ Communication is key. Make sure to consider what approach will be most effective and appropriate. Make sure to point out “good” portions of the plan as well as any concerns.
- ❖ Writing a review or response letter is appropriate in all cases. However, if there are substantial issues in the transportation element, you may want to discuss these issues in person. Be clear on what your concerns are in the letter.

- ❖ Call the community, consultant, RPC or all three. Discussing your concerns before formally documenting them in a letter may be the best approach, especially if you have not been involved much in the actual planning process.
- ❖ Request a meeting to discuss issues, especially when the WisDOT concerns are significant to the state transportation system. You may want to develop a WisDOT “team” approach and include staff from planning, real estate, access management, and project engineers when meeting with local governments especially on project related issues.
- ❖ Be prepared to identify concerns and offer potential approaches for moving toward consensus. Be prepared with WisDOT and MPO plans, information and other data that help support your concerns.
- ❖ Documenting your review and communication as well as placing the information in an accessible location for others to view is important. This helps improve internal coordination.

### **What If an Existing Plan has Inconsistencies...**

Certainly, there will be plans that are already in place or WisDOT did not participate in or did not even know about a local plan. What can you do if you are working on an access management issue, corridor plan or project in which you discover inconsistencies between WisDOT plans and local plans?

- ❖ Do not ignore the fact there is a concern. The worst possible thing to do is to continue doing your “job” as though it is not your issue to handle! Building relationships for the long-term will have substantial benefits in the future from the planning staff to project engineers.
- ❖ Many times these inconsistencies could have occurred because a local government (or its consultant) did not know about a particular state plan. In this case, assisting them by providing the information and showing the inconsistencies as well as identifying WisDOT issues with the inconsistency may be all that is needed.
- ❖ Other times, the local government may be completely aware of WisDOT plans, upcoming projects and other items that they do not agree with WisDOT especially as part of their local comprehensive plan. They may even specifically write in their plan their disagreement with WisDOT plans and projects or offer different alternatives.
  - ❑ These cases will need substantial time and include more staff especially with project engineers to discuss these issues. Generally this is part of a project related concern.
  - ❑ Much more work will need to be done to coordinate and address concerns from both the WisDOT side and the local side(s) of the issue(s).

## General Guidance and Advice: Some Words of Wisdom

Keep in mind local comprehensive planning efforts are occurring over the next several years up to the local statutory deadline of year 2010. Some communities may wait until the second half of the decade to start the process. There is time for us to prepare, but we also need to prioritize our efforts and start participating now.

- ❖ Many communities receiving comprehensive grants are multi-jurisdictional efforts, so it is less likely that each community in each district will have their own process. This increases our efficient use of time and resources as well.
- ❖ Using common sense and judgment is essential in reviewing plans and participating. Communicating with the local governments when you note state concerns is key to building relationships.
- ❖ Useful tools already in place such as access management plans, corridor plans and other district documents and plans will be helpful in comprehensive planning efforts. Be sure to identify in your district what plans, activities, projects, etc. that you would like consultants and local governments to know about and incorporate into their local comprehensive plans.
- ❖ Various local and regional distinctions do exist and should be considered in your approach and review. For example, the detail in a countywide comprehensive plan may be considerably different from that of a city's plan.
- ❖ Distinctions will also exist between rural, suburban and urban plans that may cause various land uses and transportation needs to be discussed, reviewed, and anticipated differently.
- ❖ Integrating comprehensive plans in WisDOT efforts will make our pro-active coordination more valuable to WisDOT. Examples of plan integration include:
  - ✓ Statewide system plans (ie: Corridors 2020, State Highway Plan, Airport Plan, Rail Plan, Bicycle Transportation Plan, Pedestrian Policy Plan, Access Management System Plan),
  - ✓ Access management decisions,
  - ✓ 6 year program criteria,
  - ✓ Corridor planning efforts, and
  - ✓ Improving relationships with local governments.
- ❖ WisDOT central office will continue working to develop guidance, tools and training for staff on comprehensive planning that will be helpful in making plan participation and draft reviews easier.